

Remarks

SUMMARY

All pending claims 21, 23-25, 28-30, 34-37, 41, 43-45 and 49-51 have been rejected. Various claims have been amended as shown. No claims have been canceled. Claims 52 and 53 are new. Therefore upon entry of the amendment, claims 21, 23 - 25, 28 – 30, 34 – 37, 41, 43-45, 48, and 49-53 are pending. Note that support for claims 52 and 53 and can be found in at least paragraphs [0102] of the published application. Entry of the amendment and reconsideration of the application in light of the below remarks is respectfully requested.

EXAMINER INTERVIEW

A telephonic interview between Applicant's Representative, Linda S. Zachariah, Registration no. 48, 057, and the Examiner took place on Tuesday 8/31/2010. During the interview, it was agreed that the present amendment to the independent claims overcomes the present references of record. However, the Examiner indicated that an additional search would be required. The Examiner is thanked for taking the time to participate in the interview.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 21, 23-25, 28-30, 34-37, 41, 43-45 and 49-51 stand rejected under 35 U.S.C. § 103 (a) over various combinations of US Patent No. 5,905,942 to Stoel et al ("Stoel"), US Publication No. 2005/0114906 to Hoarty et al. ("Hoarty"), US Patent No. 6,486,907 to Farber et al. ("Farber"), and US. Patent No. 5,483,277 to Granger. In particular, claims 21, 24, 25, 28 – 30, 34-36, 41 – 43, and 49-51 were rejected over Stoel in view of Hoarty.

Claims 23 and 37 were rejected over Stoel in view of Hoarty and further in view of Farber.

Claim 48 was rejected over Stoel in view of Hoarty, and further in view of Granger.

Applicants respectfully traverse the rejections.

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. All words in a claim must be considered in judging the patentability of that claim against the prior art.” M.P.E.P. § 2143.03.

Claim 21 has been amended to clarify the claim. Thus, claim 21 recites in pertinent part, “wherein the same combined signal includes at least a first user-selected video channel modulated onto a first user channel on a first frequency band uniquely corresponding to a first user interface unit, the same combined signal further including a second user-selected video channel modulated onto a second user channel on a second frequency band uniquely corresponding to a second user interface unit.”

Support for the amendment can be found in paragraph [0102] of the published application. For example, paragraph [0102] states that a video signal to be sent “from service module 152 preferably is modulated onto channel 2, the signal for the next closest apartment preferably is modulated onto channel 3, and so on, with the signal for the nearest apartment to service module 152 being modulated onto the highest channel number.” Thus, a selected video signal selected by the first user interface unit “is modulated onto channel 2,” while “the signal for the next closest apartment preferably is modulated onto channel 3, and so on.” Furthermore, paragraph [0102] states that , “[w]ith this particular configuration, if there are “N” number of total apartments on the loop through circuit, preferably there are at least “N” UCCs 156 in service module 152, and the IRD in UCC “N” preferably modulates its requested video signal to the frequency associated with channel M, where $M=N+1$. Thus, for

example, if a loop-through system on a particular apartment building floor services ten (10) apartments, the video signal for the apartment closest to the service module, preferably will be modulated onto channel 11.” Thus, each apartment is uniquely assigned a channel on which its selected signal will be modulated. The same combined signal includes at least “a first user-selected video channel modulated onto a first user channel on a first frequency band *uniquely* corresponding” to a first user interface unit. The “same combined signal further including a second user-selected video channel modulated onto a second user channel on a second frequency band *uniquely* corresponding to a second user interface unit.”

On page 6 of the Office Action, the Examiner cites the combination of Stoel for teaching each and every limitation of claim 21 with the exception of “one or more receiver/decoders...” and “an output interface multiplexer ...configured to provide a same combined signal ... to each of a plurality of interface units located at each of a plurality of different customer locations... wherein the same combined signal includes at least a first selected video channel modulated onto a first user channel on a first frequency band corresponding to a first user interface unit, the same combined signal further including a second selected video channel modulated onto a second user channel on a second frequency band corresponding to a second user interface unit.” The Examiner then cites Hoarty for curing the deficiency of Stoel, stating that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stoel with Hoarty “in order to provide a system which serves simultaneously homes with multiple devices with the modular structure (Page 4, paragraph 0056) as disclosed by Hoarty.” (Pages 5-6, Office Action)

Applicants respectfully maintain that such a proposed modification would change the principle of operation of Stoel. In the Response to Arguments in the Office Action, the Examiner responds to Applicants' argument that the proposed modification would completely change the principle of operation of Stoel stating that "Stoel allows for jamming of signals. The argument that a number of interface units cannot receive the same signal is not persuasive as a number of interface units can receive the same signal," (page 3, Office Action). In response, Applicants acknowledge that Stoel clearly allows for jamming of signals. In fact, Applicants argued in the response filed March 24, 2010, that such a proposed modification would require that interdiction field unit 28 to abandon its function of selectively jamming or interdicting signals in order to provide each subscriber unit with selected channels. Rather than providing the subscriber units with a desired signal and a plurality of jammed signals, the proposed modification would completely change the principle of operation in Stoel by requiring the interdiction field unit 28 to provide "a same combined signal" as claimed to each subscriber unit. Stoel would be rendered inoperable because each subscriber unit would receive the same signal, whether or not requested.

The Examiner also stated in the Office Action that, "[T]he argument that a number of interface units cannot receive the same signal is not persuasive as a number of interface units can receive the same signal." Applicants note that whether or not a number of interface units of Stoel can simply receive a similar signal, they cannot receive a same combined signal "wherein the same combined signal includes at least a first user-selected video channel modulated onto a first user channel on a first frequency band uniquely corresponding to a first user interface unit, the same combined signal further including a second user-selected

video channel modulated onto a second user channel on a second frequency band uniquely corresponding to a second user interface unit.”

As can be seen in Figure 1 of Stoel, interdiction field unit 28 includes a plurality of separate cables leaving interdiction field unit 28. Each separate cable is connected to a single subscriber residence. As Stoel provides at col. 2, lines 56-61:

Based upon interdiction control data received over cable 20 from headend 12, interdiction field unit 28 selectively interdicts or jams certain of the channels being delivered to subscriber units 16. The interdiction control data defines, for each subscriber unit 16, which channels will be jammed and which will not be jammed.

Thus, in Stoel, two users might receive a “similar” signal in the sense that two users have selected similar channels and also are not granted to access to similar jammed channels. In contrast, in the claimed embodiment, even if a similar channel is selected by two subscriber units, the similar channel would be delivered to each subscriber on a different frequency band, the frequency band unique to that subscriber. As noted above, a separate cable leaves the interdiction field unit 28 for each single subscriber unit. There is no reason in Stoel to combine one user’s signal with another to send a “same combined signal [that] includes at least a first user-selected video channel modulated onto a first user channel on a first frequency band uniquely corresponding to a first user interface unit, the same combined signal further including a second user-selected video channel modulated onto a second user channel on a second frequency band uniquely corresponding to a second user interface unit.”

For at least the above reasons, there is no motivation to combine the references under M.P.E.P. § 2143.03. Independent claim 34 includes similar elements as independent claim 21, and is allowable for analogous reasons. Accordingly, Applicants request that the instant

§103(a) rejections of claims 21 and 34 be withdrawn. In addition, claims 21 – 25, 28 – 30, 34 – 37, 41, 43-45 and 48 depend from one of claims 21 or 34. Thus, based on this dependency and also based on the recitations contained therein, claims 21 – 25, 28 – 30, 34 – 37, 41, 43-45 and 48 are also patentable over the references under 35 USC § 103(a), whether singly or in combination.

Dependent Claim 48

Amended claim 48 recites in pertinent part, “the bandpass filter at the customer location of the first user interface unit configured to allow the first frequency band uniquely corresponding to the first user interface unit to pass through to the first interface unit while preventing the second frequency band uniquely corresponding to the second user interface unit from passing through to the first user interface unit.” The Examiner cited Granger for teaching a substantially similar recitation to current claim 48. Applicants respectfully disagree.

The bandpass filter of Granger is only discussed in the context of separating a VCR frequency band from other channels within a six channel band (Col. 6, lines 52-56, Col. 7, lines 43-55). There is no mention of “preventing [a] second frequency band uniquely corresponding to the second user interface unit from passing through to the first user interface unit..” Furthermore, col. 1, lines 64-67 of Granger which is included in col. 1, lines 53-67 cited in the Office Action teaches the “[t]he users in each subscribers premises are individually capable of dynamically selecting channels for occupying the six slots..” Thus, each subscriber (or “first or second interface unit” as characterized by the Examiner) is able to access any of the six bands discussed in Granger. There is no teaching that the bandpass

filter is “configured to allow the first frequency band uniquely corresponding to the first user interface unit to pass through to the first interface unit while preventing the second frequency band uniquely corresponding to the second user interface unit from passing through to the first user interface unit.”

CONCLUSION

Applicants submit that all pending claims are in a condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 622-1711. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,
Schwabe, Williamson & Wyatt, P.C.

Date: 8/31/10

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